

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MAUREEN TOOMEY,)	
)	
Plaintiff,)	
)	
vs.)	No. 07 CV 7173
)	
SANOFI-AVENTIS U.S. INC.)	Judge Blanche M. Manning
F/K/A AVENTIS PHARMACEUTICALS)	Magistrate Judge Martian C. Ashman
INC., f/k/a HOECHST MARION)	
ROUSSEL, INC.; WALGREEN CO.;)	
BOND DRUG COMPANY OF ILLINOIS)	
d/b/a WALGREEN CO., a Corporation,)	
)	
Defendants.)	

PLAINTIFF'S MOTION TO REMAND

NOW COMES Plaintiff Maureen Toomey, by and through her counsel, POWER ROGERS & SMITH, P.C., hereby filing her Motion to Remand pursuant to 28 U.S.C. §1447(c). By filing her Motion to Remand, Plaintiff prays that this Honorable Court remand this matter back to the Circuit Court of Cook County, Law Division, where it was originally filed.

This Court should grant Plaintiff's Motion to Remand as Defendant Sanofi-Aventis U.S. Inc.'s (hereinafter referred to as "Sanofi-Aventis") basis for removal is faulty. Indeed, Defendant Sanofi-Aventis argues that Plaintiff Maureen Toomey fraudulently joined Defendant Walgreens in her Cook County action and, as such, complete diversity exists to allow this case to be removed to the federal court. (*See Defendant's Notice of Removal*, pp.3-4) This argument is completely false. As the evidence will clearly show, diversity does not exist in this matter as Defendant Walgreens is a properly named party to the Cook County cause of action, allowing this Honorable Court to remand this case back to the circuit court of Cook County.

In support of her Motion to Remand, Plaintiff submits a Memorandum of Law, filed

contemporaneously with this Motion.

Respectfully submitted,
POWER ROGERS & SMITH, P.C.

By: s/Joseph A. Power, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2008, I electronically filed Plaintiff's Motion to Remand with the Clerk of the Court using the CM/ECF system which will send notification to such filing(s) to the following:

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Respectfully submitted,

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